



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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HOPETON A. FRANCIS,

Plaintiff,

- against -

CITY OF NEW YORK, et al.,

Defendants. :  
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18-CV-6468 (GBD) (RWL)

**ORDER**

**ROBERT W. LEHRBURGER, United States Magistrate Judge.**

On October 29, 2020, the Court ordered Mr. Francis to send signed HIPAA and 160.50 releases to Defendants by November 25, 2020, and for defense counsel to serve the order on Mr. Francis and file proof of service (Dkt. 53), which he did (Dkt. 54).

On November 9, 2020, Mr. Francis renewed a request for appointment of counsel. (Dkt. 55.)

On November 13, 2020, the Court issued an order reiterating that Mr. Francis must send signed HIPAA and 160.50 releases to Defendants by November 25, 2020 and noted that failure to do so may result in sanctions, including dismissal for failure to prosecute. The Court also stated that if Mr. Francis fully and timely complied with its October 29, 2020 order, the Court would then reconsider Mr. Francis's request for appointment of pro bono counsel. The Court ordered defense counsel to send a copy of the order to Mr. Francis within three days and file proof of service on ECF. (Dkt. 57.)

No proof of service appears on the docket.

On November 18, 2020, a letter from Mr. Francis dated November 14, 2020 was docketed by the pro se office in which Mr. Francis represents that he is "sending another HIPAA release form" and that he "had previously sent a completed form to Law

Dept. (Mr. Nicholas Collins).” The letter does not mention the 160.50 release. (Dkt. 58.)

Accordingly, the Court orders defense counsel to file a status update by December 7, 2020. The status update shall address, at minimum, whether and when defense counsel served the Court’s November 13, 2020 order on Mr. Francis, and whether the defense counsel has received the executed HIPAA and 160.50 releases from Mr. Francis.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', written over a horizontal line.

ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Dated: December 2, 2020  
New York, New York

Copies transmitted this date to all counsel of record.